IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.4295 of 2005

Dr.Ashok Bhoir Poshirkar .. Petitioner

Vs.

Thane Municipal Corporation
& Ors. .. Respondents.

Ms.Leena Patil for the petitioner.

Mr.Vaibhav Patankar for the respondent Nos.1 and 2.

CORAM: B.H.MARLAPALLE &
NARESH H.PATIL,JJ.

September 20, 2006.

P.C.

. Heard Ms. Leena Patil, learned counsel for the petitioner, who is employed in one of the hospitals run by the respondent No.1-Municipal Corporation. The petitioner claims that in the post of Associate Professor his date of joining ought to be treated as 08/07/1996 and if so treated he stands in the list of seniority for the post of Associate Professor below Dr.Baban Mane and above Dr.Suvarna Relekar or below Dr.Shravani Bhattacharya and above Dr.Baban Mane. However, he has been shown at

Sr.No.21 in the seniority list finalised on 26/09/2000. In the said seniority list his date of joining for the post of Associate Professor has been shown as 13/09/1999. The appointment letter dated 08/07/1996 prima facie supports the contentions of the petitioner.

. However, on perusal of the affidavit-in-reply filed by the Commissioner of the Corporation it is clear that though the petitioner was appointed as Associate Professor vide the order dated 08/07/1996, he made a representation for permission to continue with the private practice while submitting his joining report and therefore while accepting the request for concession, he was admittedly denied the pay scale of Associate Professor and was retained as Medical Officer till he was appointed by another order in the post of Associate Professor on 13/09/1999. If he had continued to be the Medical Officer for about three years, and subsequently accepted the post of Associate Professor by the order dated 01/03/1999 including the pay scale for the said post, it is not possible to accept his contentions that he ought to be treated as the Associate Professor from 08/07/1996. This stand taken by the

Corporation is legal and justified and therefore, there is no reason to disturb the seniority list finalised on 26/09/2000 for the posts of Associate Professor.

. The petition is therefore rejected summarily.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE,J.)